

THE HONORABLE JAMES L. ROBART

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION**

CYWEE GROUP LTD.,

Plaintiff,

HTC CORPORATION
and
HTC AMERICA, INC.,

Defendants.

CASE NO. 2:17-cv-00932-JLR

JURY TRIAL DEMANDED

PLAINTIFF'S ANSWER TO DEFENDANTS' COUNTERCLAIMS

Plaintiff and Counterclaim-Defendant CyWee Group Ltd. ("CyWee") answers herein
HTC Corporation and HTC America, Inc.'s (collectively "HTC") counterclaims
("Counterclaims") in HTC's Answer to Plaintiff's Second Amended Complaint for Patent
Infringement (Dkt. 62) with numbered paragraphs corresponding to like-numbered paragraphs of
the Counterclaims as follows. Unless expressly admitted all averments asserted by HTC in its
Counterclaims are denied.

ANSWER TO COUNTERCLAIMS

1. CyWee admits the allegations in Paragraph 1.

2. CyWee admits the allegations in Paragraph 2.

3. CyWee admits the allegations in Paragraph 3.

4. CyWee admits the allegations in Paragraph 4.

5. CyWee admits that it is affiliated with Cywee Motion Group Ltd.

6. CyWee admits that this Court has subject matter jurisdiction over this dispute and HTC's counterclaims.

7. CyWee admits that it has submitted to personal jurisdiction of the Court for purposes of this litigation.

8. CyWee admits that venue is proper for these Counterclaims.

9. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 9.

10. CyWee admits the allegations in Paragraph 10.

11. CyWee denies the allegations in Paragraph 11.

12. CyWee lacks information sufficient to admit or deny the allegations in Paragraph 12. HTC alleged that it uses other software or a modified version of the accused software, but CyWee has not been able to inspect HTC's source code at this time.

13. CyWee admits that six-axis and nine-axis motion sensors for wireless devices are referenced in CyWee's infringement allegations. In all other respects, CyWee denies the allegations in Paragraph 13.

14. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 14.

29. CyWee admits that HTC seeks entry of a declaratory judgment that it does not infringe any claim of the '438 Patent but denies that HTC is entitled to judgment in its favor.

SECOND COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of U.S. Patent No. 8,552,978)

30. Paragraph 30 restates and incorporates by reference the allegations contained in Paragraphs 1-29 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

31. CyWee denies the allegations in Paragraph 31.

32. CyWee admits the allegations in Paragraph 32.

33. CyWee admits that HTC seeks entry of a declaratory judgment that it does not infringe any claim of the '978 Patent but denies that HTC is entitled to judgment in its favor.

THIRD COUNTERCLAIM

(Declaratory Judgment of Invalidity of U.S. Patent No. 8,441,438)

34. Paragraph 34 restates and incorporates by reference the allegations contained in Paragraphs 1-33 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

35. CyWee denies the allegations in Paragraph 35.

36. CyWee admits the allegation in Paragraph 36.

37. CyWee denies the allegations in Paragraph 37.

FOURTH COUNTERCLAIM

(Declaratory Judgment of Invalidity of U.S. Patent No. 8,552,978)

38. Paragraph 38 restates and incorporates by reference the allegations contained in Paragraphs 1-37 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

39. CyWee denies the allegations in Paragraph 39.

1 40. CyWee admits the allegations in Paragraph 40.

2 41. CyWee denies the allegation in Paragraph 41.

3 **HTC'S PRAYER FOR RELIEF**

4 CyWee denies that HTC is entitled to judgment in its favor or to any of the relief it
5 requested. CyWee further denies each and every allegation of the Counterclaims to which
6 CyWee has not specifically admitted, denied, or otherwise responded herein.
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1 Dated this 13th day of April, 2018.

Respectfully submitted,

3 /s/ Carmen E. Bremer

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2018, I presented PLAINTIFF CYWEE GROUP, LTD.'S ANSWER TO COUNTERCLAIMS to the Clerk of the Court for filing and uploading to the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: April 13, 2018

/s/ Carmen E. Bremer

Carmen E. Bremer